

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

IN RE:	:	
	:	
ASHINC Corporation, et al.,	:	
	:	
Debtors.	:	
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	:	
Yucaipa American Alliance Fund II,	:	
L.P., et al.,	:	
	:	
Appellants,	:	
	:	
v.	:	C. A. No. 18-1467-CFC
	:	
ASHINC Corporation,	:	
	:	
Appellee.	:	

RECOMMENDATION

At Wilmington this **15th** day of **October, 2018**.

WHEREAS, pursuant to paragraph 2(a) of the Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District dated September 11, 2012, the court conducted an initial review, which included information from counsel, to determine the appropriateness of mediation in this matter;

WHEREAS, as a result of the above screening process, mediation at this stage would not be a productive exercise, a worthwhile use of judicial resources nor warrant the expense of the process. The ASHINC Litigation Trustee is prosecuting Related Proceedings, which includes claims against Yucaipa and individual defendants (former officers and directors of Allied/ASHINC). Pursuant to an Order by Judge

Sonchi, the matter was referred for mediation before a judicial mediator, the Honorable Robert D. Drain, to occur on November 2, 2018. Judge Drain previously conducted several mediation sessions to try to achieve global resolution of the Related Proceedings of which the issues in this Appeal may be a part. The Related Proceedings and this Appeal involve the same set of facts and overlapping issues. The parties requested that this Appeal be stayed pending the upcoming mediation with Judge Drain.

THEREFORE, IT IS RECOMMENDED that, pursuant to paragraph 2(a) Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), the Appeal in this matter be stayed to allow to see whether a global resolution during the scheduled mediation occurs.

IT IS FURTHER RECOMMENDED that counsel for the parties keep this Court updated regarding mediation and provide a status report on November 14, 2018. Any party may request the stay be lifted for resumption of appellate proceedings in this Court.

Since this Recommendation is consistent with the request of the parties involved in this Appeal, objections to this Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B), FED. R. CIV. P. 72(a) and D. DEL. LR 72.1 are not expected.

Local counsel are obligated to inform out-of-state counsel of this Order.

/s/ Mary Pat Thyng
Chief U.S. Magistrate Judge